

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 WAYNE JEFFERY VILLINES,

4 Plaintiff

5 v.

6 NYE COUNTY SHERIFF DEPARTMENT,
7 et al.,

8 Defendants

Case No.: 2:20-cv-00099-APG-BNW

**Order Accepting Report and
Recommendation**

[ECF No. 7]

9 On July 20, 2021, Magistrate Judge Weksler recommended that I dismiss with prejudice
10 plaintiff Wayne Villines' claims under the Fifth and Sixth Amendment and his Fourth
11 Amendment false arrest claim. ECF No. 7. She also recommended that I dismiss Villines'
12 remaining claims without prejudice. Villines did not object. Thus, I am not obligated to conduct
13 a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district
14 courts to "make a de novo determination of those portions of the report or specified proposed
15 findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
16 Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and
17 recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)). Thus,
18 I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C.
19 § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the
20 report or specified proposed findings to which objection is made"); *United States v. Reyna-*
21 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the
22 magistrate judge's findings and recommendations de novo *if objection is made*, but not
23 otherwise" (emphasis in original)).

1 I THEREFORE ORDER that Magistrate Judge Weksler's report and recommendation
2 (ECF No. 7) is accepted. Plaintiff Wayne Villines' claims for violation of his right to counsel
3 under the Fifth and Sixth Amendments and for false arrest under the Fourth Amendment are
4 dismissed with prejudice. His remaining claims are dismissed without prejudice.

5 I FURTHER ORDER that plaintiff Wayne Villines may file an amended complaint by
6 October 13, 2021. Failure to file an amended complaint by that date will result in dismissal of all
7 remaining claims without prejudice.

8 DATED this 13th day of September, 2021.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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